

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

KENNETH B. COLEMAN, *et al.*,

Plaintiffs,

v.

NATIONAL INDEMNITY
COMPANY,

Defendant.

CV-19-39-GF-BMM-JTJ

ORDER STAYING PROCEEDINGS
AND DISCOVERY PENDING
FINAL ORDER IN COVERAGE
ACTION

Defendant National Indemnity Company (“National”) has filed an unopposed motion for entry of an order staying all proceedings and discovery in the above-captioned bad faith action (the “Action”), pending resolution by final, non-appealable order of the underlying insurance coverage action that is currently before the Montana Supreme Court, *National Indemnity Company v. State of Montana*, Case No. DA 19-0533 (Mont. Sup. Ct.) (the “Coverage Action”). There being no objection from Plaintiffs, and for good cause shown,

IT IS ORDERED that the Unopposed Motion is GRANTED.

IT IS FURTHER ORDERED pursuant to the Parties' Stipulation to Order Staying Proceedings and Discovery Pending Final Order in Coverage Action that:

1. All proceedings in this Action, including discovery, are stayed as of November 1, 2019, until further order of this Court, pending resolution of the Coverage Action by final, non-appealable order;

2. The telephonic preliminary pretrial conference currently set for December 4, 2019 at 2:00 p.m. is vacated;

3. All applicable deadlines, including the deadline to answer, move, or otherwise respond to the Complaint filed in this Action, or to assert counterclaims or cross-claims (whether imposed by statute, rule, or case law), are and shall be tolled as of November 1, 2019, and shall not continue to run until thirty (30) days following entry of an order by this Court lifting the stay imposed by this Order;

4. All claims, counterclaims, and cross-claims arising out of the claims asserted in the Complaint, all defenses to any claims, counterclaims, and cross-claims, and any and all contractual rights are preserved, consistent with paragraph 3, *supra*;

5. Any Party may seek to lift the stay on a showing of good cause upon notice to all other Parties, provided that any Party shall have a right to file a response within twenty (20) days of any such request (unless extended by the Court); and

6. National shall file with this Court periodic reports every sixty (60) days following entry of this Order concerning the status of the Coverage Action, or sooner in the event warranted by developments in the Coverage Action that may bear upon whether the stay should remain in place.

DATED this 4th day of November, 2019.



John Johnston
United States Magistrate Judge